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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,711	02/06/2004	John C. Montagna	601227-38U1	8293

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EXAMINER

GUTMAN, HILARY L

ART UNIT PAPER NUMBER

3612

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 22-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Dresen et al.

Dresen et al. (4,693,507) disclose a cargo carrier for a motor vehicle comprising, in combination, a co-formed composite sheet having a first layer 84 of a first thermoplastic material and a second layer 16 of a second thermoplastic material bonded to said first layer, said composite sheet formed to define a pair of opposed, spaced apart sidewalls, a front wall extending between and merging with said sidewalls, a bottom panel extending between and merging with said sidewalls and said front wall and a pair of wheel well features disposed generally between said bottom panel and a respective one of said pair of sidewalls (Figure 1).

With regard to claim 23, the sheet comprises a first layer of a first thermoplastic material and a second layer of a second thermoplastic material formed together as a composite sheet.

With regard to claim 24, wherein said composite sheet is co-extruded.

With regard to claim 25, wherein said first layer is an upper layer is a modified polyolefin.

With regard to claim 26, wherein said first and second layers are bonded together without an adhesive.

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With regard to claims 27-28, wherein said second layer 16 is a lower layer of high density polyethylene.

With regard to claim 29, wherein said roughened, friction enhancing surface is achieved.

Dresen et al. further clearly discloses a friction enhancing surface. The surface is provided with corrugations or elongate depressions therein. The elongate depressions provide for and thus create a roughened surface.

With regard to claim 30, the depressions are elongate in structure.

It should be noted that the patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process (MPEP 2 1 13).

Response to Arguments

3. Applicant's arguments with respect to claims 22-31 have been considered but are moot in view of the new ground(s) of rejection.

With regard to the IDS filed 1/4/05, the examiner has just now received two separate information disclosure statements (both filed 3/13/06). These are now being considered.


Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hilary Gutman
March 22, 2006